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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,363	06/01/2000	Frederick J. Lalonde	1193ROUS02U	5071
42534	7590	07/12/2005	EXAMINER	
BORDEN LADNER GERVAIS LLP			PAYNE, DAVID C	
1100-100 QUEEN ST			ART UNIT	
OTTAWA, ON K1P 1J9			PAPER NUMBER	
CANADA			2638	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/584,363

Applicant(s)

LALONDE ET AL.

Examiner

David C. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-7, 9-22, 27 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-7, 9-22, 27 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 9 May 2005 have been fully considered but they are not persuasive.
2. While Laor teaches the use of a focusing means it is obvious to one of ordinary skill in the art at the time of invention to construct the device without such a lens. One is motivated as such sense the MEM switches will still receive light from the fibers and will functions to switch light through the switch. The lenses only help to more efficiently direct light onto the switch path. The fact that Laor teaches the use of a component is not equivalent to teaching away from not using the component. Furthermore, as evidence of this, the applicant has illustrated embodiments in Figures 3A and 4A which use lenses and Figures 3B and 3C which do not make use of lenses.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 3-7, 9-22, 27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laor et al. US 6,466,711 B1 (Laor) in view of Gloeckner et al. US 6,445,841 (Gloeckner).

re claim 3, 14, and 22 Laor disclosed,

A photonic switch (Figures 1 or 4) for a network comprising:

a plurality of input ports (12 of Figure 1) and a plurality of output ports (14 of Figure 1);

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a switch block (20 or 30 or Figure 1) for directing said light along an optical path from an assigned ingress area (22) to an associated egress area (32) selected from a plurality of egress areas (30); wherein said switching block comprises a switch fabric for cross-connecting said light from an input signal (51) to an output signal (52), and wherein said switch fabric comprises row-column input matrix (e.g., col./line: 4/45-55, 6/15-30) of switching elements and an row-column output matrix wherein adaptable paths transit said switch fabric such that an input optical switching element of said input matrix redirects said wavelength away from the plane (20) of said input matrix to an output optical switching element of said output matrix (30).

Laor does not disclose

an optical demultiplexer for separating a wavelength from input signal received on an input port.

a control unit for selecting an associated egress area and configuring said switch fabric to direct said wavelength along an adaptable path between said assigned ingress area and said associated egress area,

Gloeckner

Gloeckner disclosed a control unit (Figure 18 #1774) for control of switching units in an optical switch and a demultiplexer (Figure 18 #1751) for separating wavelengths. It would have been obvious to one of ordinary skill in the art at the time of invention to apply the Gloeckner control unit and demultiplexer to the Laor apparatus for the benefit of being able to redirect multi-wavelength signals from input ports to output ports.

Furthermore, while Laor teaches the use of a focusing means it is obvious to one of ordinary skill in the art at the time of invention to construct the device without such a lens. One is motivated as such sense the MEM switches will still receive light from the fibers and will functions to switch light through the switch. The lenses only help to more efficiently direct light onto the switch path.

Regarding claim 4, the modified invention of Laor and Gloeckner disclosed a system wherein said

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switching elements have a minimum of four degrees of freedom of orientation (see Gloeckner, Figure 15 #1550).

Regarding claim 5, the modified invention of Laor and Gloeckner disclosed wherein said switching elements are 3-D MEMs mirrors (see Laor, col./line: 8/5-10).

Regarding claims 6-7, and 9-11, Laor and Gloeckner disclosed the predetermined positions of the demultiplexer input and outputs as claimed (Gloeckner, Figure 17).

Regarding claims 12 and 13, Laor and Gloeckner disclosed where the number of input port I is equal to the number of output ports I' (Laor Figure 1).

Regarding claims 15-19, 27, and 29 Laor and Gloeckner disclosed add and drop ports which is considered equivalent to input and output ports (Laor Figure 1).

Regarding claims 20 and 21, Laor does not disclose a connectivity map. However, it would have been obvious to one of ordinary skill in the art at the time of invention that the configuration control module disclosed in Gloeckner (col./line: 14/55-65) would need to maintain a configuration map in order to 'map' wavelengths from input ports to output ports.

Regarding claims 30 and 31 Laor and Gloeckner disclosed where input and output matrices are in different planes substantially parallel (Laor Figure 1).

Regarding claim, 32 Laor and Gloeckner disclosed where input and output matrices and in the same plane (Laor, 32 of Figure 8) with a directing means (Laor, 324 of Figure 8)

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in the path of light between input and output matrices.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (571) 272-3024. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 573-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp


David C. Payne
Patent Examiner
AU 2638